

# **Exhibit E**

**From:** [Marquez, Lillian](#)  
**To:** [Weiss, Dara \(Law\)](#)  
**Cc:** [Ryan, Erin \(LAW\)](#); [Lax, Joshua \(Law\)](#); [Jacobs, Elissa \(Law\)](#); [Robinson, Amy \(LAW\)](#); [Garcia, John \(Law\)](#); [Sow-Legal](#); [sierrateam@moskovitzlaw.com](#); [PaynelitigationTeam@nyclu.org](#) <[PaynelitigationTeam@nyclu.org](#)>; [wood@klflaw.com](#); [AG-NYPDLitigation](#); [Andrew Stoll](#)  
**Subject:** RE: Proposed deposition dates  
**Date:** Tuesday, September 14, 2021 12:01:00 PM  
**Attachments:** [RE Proposed Deposition dates for September 7.msg](#)  
[Scheduling higher-level officers.msg](#)

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Dara,

As Defendants are well aware, the Court ordered these line-level officers to be deposed in the 5-week period ending September 10. We agreed *solely* to an extension to September 24 to complete those depositions on Defendants' representation that those additional two weeks were all they needed to complete the so-ordered depositions and upon Defendants' agreement that we begin high-level officer depositions. We reminded Defendants of this agreement last week in two emails (attached), which also provided the names of the higher-level Legal Bureau witnesses who could be immediately scheduled. Defendants did not respond to either email.

We now learn from your email, for the first time, that Defendants have not been able to even contact two retired officers and still have yet to obtain a new schedule for Sgt. Majer Saleh, which Defendants promised *two months ago* when it unilaterally canceled Sgt. Saleh's deposition. Without any reference to the Court's order or the parties' agreement, Defendants also propose deposition dates after the September 24 deadline.

Plaintiffs are troubled by Defendants' continued failure to abide by the Court's orders and request a meet and confer to discuss the scheduling of the remaining so-ordered depositions and the Legal Bureau deponents -- we propose discussing this issue during the meet and confer to be scheduled this Friday or earlier this week, as your schedules allow.

As for the deponents you have provided dates for in your September 13 email, Plaintiffs confirm those dates, without prejudice to seeking a Court order regarding the depositions that Defendants have failed to provide dates for.

Regards,

**Lillian Marquez | Assistant Attorney General**

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Pronouns: She/Her/Hers

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**From:** Weiss, Dara (Law) <[daweiss@law.nyc.gov](mailto:daweiss@law.nyc.gov)>

**Sent:** Monday, September 13, 2021 2:24 PM

**To:** Sow-Legal <[sow-legal@blhny.com](mailto:sow-legal@blhny.com)>; [sierrateam@moskovitzlaw.com](mailto:sierrateam@moskovitzlaw.com);  
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**Cc:** Ryan, Erin (LAW) <[Eryan@law.nyc.gov](mailto:Eryan@law.nyc.gov)>; Lax, Joshua (Law) <[jlax@law.nyc.gov](mailto:jlax@law.nyc.gov)>; Jacobs, Elissa (Law) <[ejacobs@law.nyc.gov](mailto:ejacobs@law.nyc.gov)>; Robinson, Amy (LAW) <[arobinso@law.nyc.gov](mailto:arobinso@law.nyc.gov)>; Garcia, John (Law)



<johgarci@law.nyc.gov>

**Subject:** Proposed deposition dates

[EXTERNAL]

Counsel,

Here is today's batch of proposed dates, as well as the status of the remaining depositions. Please affirmatively confirm or reject each date by the end of day Tuesday, September 14. Unless otherwise requested, all depositions will be scheduled to begin at 10am. For the dates that are confirmed, please provide the log in information at least two business days ahead of time whenever possible.

Sgt. Elliot Zinstein - Sept 22

Capt. Stephen Spataro (noticed as Helmet 15519) - Sept 28

Deputy Chief Ruel Stephenson - Sept 29

PO Andre Jeanpierre - Sept 30

After this batch, there are 9 names left to schedule. Below is a brief explanation as to the status of each:

Det John McGee - was away and unavailable until Sept 9. Defendants are working on obtaining his schedule and will propose a date shortly.

PO Hensley Caraballo – Defendants are working on obtaining his schedule and will propose a date shortly.

Det Lee Arroyo - unavailable to be deposed until the week of Oct 4 due to NYPD training

Capt Julio Delgado - retired and therefore outside of defendants' control. Defendants have been attempting to contact him but have not yet heard back in order to schedule his deposition.

Lt Thomas Carey - retired and therefore outside of defendants' control. Defendants have been attempting to contact him but have not yet heard back in order to schedule his deposition.

Sgt Majer Saleh - Defendants are working on obtaining his schedule and will propose a date shortly.

Helmet 3138 - previously identified as PO Alex Rivera which the parties have agreed is not the correct officer. As Plaintiffs are aware, Defendants are working on determining the proper identification of this officer identified in the Yates action

Helmet 21286 - previously identified as PO Henry Desire which the parties have agreed is not the correct officer. As Plaintiffs are aware, Defendants are working on determining the proper identification of this officer identified in the Yates action

DI Craig Edelman - the parties agree to postpone his deposition until he is deposed in the Zayer matter. Defendants will notify plaintiffs is that that deposition will not be scheduled in time for the deadlines currently set in this matter

Best,

Dara

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